

REMARKS

I. Amendments to the Claims

Claims 23, 73, and 77 have been amended to clearly define the subject matter. The claims are supported by the originally filed specification, for example, page 5, lines 12-19, page 8, lines 3-12, page 9, lines 7-9, and page 20, lines 20-24. No new matter has been added.

Claims 23, 29, 73, and 76-77 are pending. Applicant respectfully submits that the pending claims are allowable for the following reasons.

II. Arguments and Response to Rejection

1. The Written Description Rejection Should Be Withdrawn

Claims 23, 29, 73 and 76-77 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Office Action at pages 2-6. The Office Action correctly recognizes that the claims are drawn to methods of treating a blood-born tumor or leukemia, and not graft-versus-host disease (GVHD). *Id.* However, the Office Action contends that “there is no basis in the originally filed disclosure for the exclusion of GVHD patients from the claimed methods.” *Id.* Applicant respectfully disagrees with the rejection.

Nevertheless, solely to promote the allowance of the case and without acquiescing to the Examiner’s rejection, the claims have been amended to delete the exclusionary proviso regarding GVHD. In view of these amendments, the rejection has become moot and should be withdrawn.

2. The Rejections Under 35 U.S.C. §103 and Double Patenting

Applicant appreciates that the Rejection Under 35 U.S.C. §103 was withdrawn in light of Applicant’s arguments, the Declarations and evidence of unexpected results previously submitted. Office Action at page 6.

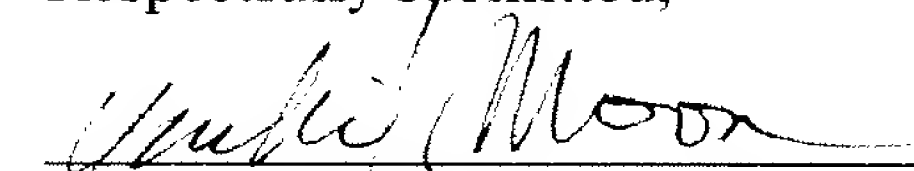
Applicant also appreciates that double patenting rejection was withdrawn in light of the Terminal Disclaimer previously submitted. Office Action at pages 6-7.

In view of the above, Applicant respectfully submits that the present application is in condition for allowance. A favorable disposition to that effect is respectfully requested. Should the Examiner not agree that all claims are allowable, then a further personal or

telephonic interview is respectfully requested to discuss any remaining issues and to accelerate the allowance of the above-identified application. Please charge any required fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: April 5, 2011


By: Yeah-Sil Moon (Reg. No. 52,042)
For: Anthony M. Insogna (Reg. No. 35,203)
JONES DAY
222 East 41st Street
New York, NY 10017
Tel. (212) 326-3778